

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Atty. Docket

DECLAN PATRICK KELLY ET AL.

NL 021037

Confirmation No. 4934

Serial No. 10/530,382

Group Art Unit: 2457

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Examiner: MCLEOD, M.M.

Title: METHOD OF ENHANCING MULTIMEDIA

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P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' REPLY BRIEF

Sir:

In response to the Examiner's Answers mailed on May 8, 2008,
please consider the following remarks:

REMARKS

Appellants maintain the arguments submitted in the Appeal Brief filed on December 22, 2008 which is incorporated herein by reference. Further, Appellants refute the allegations made in the Examiner's Answer of May 8, 2009.

For example, page 4, third full paragraph of the Examiner's Answer of May 8, 2009, refers to page 11, paragraph [0205] of Lamkin where, when a user accesses a web page on a server 1402 shown in FIG 14, "the website containing the accessed web page causes the cookie (1406) to be sent to the computer (1408) and be stored on a local storage drive for later reference by the storing website." (Lamkin, page 11, paragraph [0205], lines 3-6; emphasis added)

Further, page 4, third full paragraph, and page 8, second full paragraph of the Examiner's Answer refer to page 5, paragraph [0103], lines 1-3, and page 9, paragraph [0166] of Lamkin, to allegedly show updating the user data so that the user viewing experience is consistent during both off-line and on-line sessions, and the same customization features are provided when the additional data are coming from the information carrier or from a

remote unit. Applicants respectfully disagree and submit that paragraph [0103], lines 1-3 of Lamkin specifically recites:

With the DVD device (602), the user is able to interact with an enhanced DVD on a television in the same fashion as can be experienced on a computer.
(Emphasis added)

Further paragraph [0166] of Lamkin specifically recites:

The fifth phase is internet connection determination where the device is checked to see whether an Internet connection is active or possible. The system can access and updated content files for the current title of disks in accordance with the present embodiment. For non-enhanced titles, the system will look online to see if there is any content available for the current title. If there is such content, the system can offer the same interactive experience as a title in accordance with the present embodiment affords. (Emphasis added)

Any update in paragraph [0166] is related to updating the content files for the current title of disks, and not updating the very same user data to reflect both the latest off-line and on-line sessions.

The above noted portions of Lamkin merely disclose that a websites sends and stores a cookie on the user's computer for later reference by the very same website, that a user can interact with a DVD using a TV the same way as using a computer, and that the

Lamkin system can offer "the same interactive experience [for on-line content] as a title." (Lamkin, paragraph [0166], line 8)

It is respectfully submitted the above noted portions of Lamkin have nothing to do with updating the very same "user data" to reflect a latest off-line action of the user ... and updating the user data to reflect a latest on-line action of the user so that a viewing experience of the user is consistent during both the off-line session and the on-line session and same customization features are provided when the additional carrier data are coming from the information carrier or when the additional remote data are coming from the remote unit," as recited in independent claim 1, and similarly recited in independent claims 3-4. (Illustrative emphasis provided)

These features are nowhere disclosed or suggested in Lamkin, which is not even concerned with consistency between viewing experiences during both off-line and on-line sessions. Rather, Lamkin is merely concerned with "combining said network content with said media content." (Lamkin, page 79, claim 1, last paragraph, lines 6-7)

Further, Lamkin is concerned with providing an embedded

browser supports two types of cookies, namely system cookies and general-purpose cookies. As recited in paragraphs [0095], [0099] and [0103], a movie (provided on the DVD) and text/graphics (i.e., HTML content from the Internet) are synchronized together and displayed concurrently.

Assuming, arguendo, that even if Lamkin discloses or suggests providing consistent viewing experience during both off-line and on-line sessions, and the same customization features when the data are coming from the information carrier or from a remote unit, there is still no disclosure or suggestion that this is achieved by updating the very same user data to reflect both the latest off-line and on-line sessions.

Paragraph [0133], lines 1-4 of Lamkin, noted on page 7, first full paragraph of the Examiner's Answer, specifically discloses that a "cookie manager (708) interacts with the identifier engine (710) to provide the ability to save information regarding the disk, platform, current user, and the application programming interface (API) version in local storage." (Emphasis added) It is respectfully submitted that saving such information does not disclose or suggest updating the same user data included in a user

file to reflect both the latest off-line and on-line sessions.

Accordingly, it is respectfully submitted that independent claims 1 and 3-4 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claim 5 should also be allowed at least based on their dependence from amended independent claim 1.

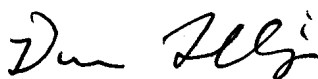
In addition, Appellants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Appellants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

CONCLUSION

Claims 1 and 3-5 are patentable over Lamkin.

Thus, the Examiner's rejections of claims 1 and 3-5 should be reversed.

Respectfully submitted,

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